

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
LAREDO DIVISION

United States District Court  
Southern District of Texas  
FILED

MAR 09 2009

NO

Michael N. Milby, Clerk  
Laredo Division

DAVID WALKER,

Petitioner,

VS.

NATHANIEL QUARTERMAN,

Respondent.

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CIVIL ACTION NO. L-08-2

MEMORANDUM AND ORDER

Pending are Respondent Nathaniel Quarterman's Motion for Summary Judgment (Dkt. No. 17), Petitioner David Walker's Motion for Leave to Expand the Record (Dkt. No. 13), Motion for Order of Production of Documents and Records (Dkt. No. 19), and Motion for Appointment of Counsel and Request for Show Cause Evidentiary Hearing (Dkt. No. 14). Magistrate Judge Diana Saldaña issued a Report and Recommendation on February 18, 2009, recommending that Quarterman's motion be granted and Walker's motions be denied. (Dkt. No. 24.) Walker timely filed objections to the Report. (Dkt. No. 29.)

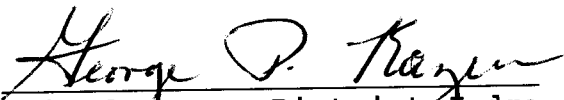
The Court has reviewed Judge Saldaña's Report and Walker's objections and concludes that her recommendation is supported by the facts in the case and is well-reasoned and correct.

To the extent Walker seeks expansion of the record to include his medical records dating back to his military injury, the Court agrees with Judge Saldana that those records would not

speak to Walker's competency for the relevant time periods. Indeed, Walker's filings demonstrate that, despite his current claim of continuously suffering from severe mental illness for over eighteen years, Walker was fully competent at the time of his trial in 1996. He offers quotations from his own lucid trial testimony in an effort to attack the sufficiency of the evidence against him. (Dkt. No. 2 at 23-27.) He also flatly asserts that he "is not alleging that he is mentally retarded or legally incompetent to have stood at trial." (Dkt. No. 12 at 9.) As Judge Saldaña observed, he also managed to seek a writ of mandamus in 1998, followed by writs of habeas corpus in 2000 and 2007, culminating in this federal filing. Despite this history, Walker essentially maintains that he was mentally incompetent, under the high legal threshold described by Judge Saldaña, during the limited period of August 29, 1997 to September 29, 1998. This Court does not agree.

Quarterman's Motion for Summary Judgment (Dkt. No. 17) is GRANTED. Walker's Motion for Leave to Expand the Record (Dkt. No. 13), Motion for Order of Production of Documents and Records (Dkt. No. 19), and Motion for Appointment of Counsel and Request for Show Cause Evidentiary Hearing (Dkt. No. 14) are DENIED. This case shall be DISMISSED in its entirety.

DONE at Laredo, Texas, this 9th day of March, 2009.

  
United States District Judge